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ABSTRACT

The technology being developed today will create an extensive array of new legal problems for the citizens of the future. This booklet outlines a study unit designed to introduce today's students to these problems and to the factors that will have to be considered in their solution. The course is organized around five topics: the changing nature of humanity (consideration of the impact of robots, clones, artificial insemination, organ transplants, cryonics, and related topics); people's rights in the future; current and required government planning for the future; the changing nature of crime and criminology; and the changing requirements of justice, the courts, and prisons. The course involves discussions, role-playing, mock trials, and other activities intended to encourage students to become active participants in the society of the future. (Author/PGD)

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PEOPLE, LAW, AND THE FUTURES PERSPECTIVE

Betty Barclay Franks
Mary Kay Howard

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THE SCHOOLS AND THE FUTURE: A FOREWORD

The 1970s gave us both the Bicentennial and the idea of future shock. At first, these might seem to form a contradicition in terms and events, but on reflection, we cannot deny that the rapid change that results in future shock is an outgrowth of those achievements that the Bicentennial was intended to help us celebrate. Just as the Bicentennial encouraged us to refocus our attention on our national goals, so the concept of future shock has stimulated a direct attention to our preparation for the future of our nation and our globe. It has helped us realize that there is a very practical way in which we can begin to prepare for those problems that will confront the children and young people in our classrooms, as well as their children and grandchildren. This preparation can — and must — begin in our schools.

After the term "future shock" was brought into common use by Alvin Toffler's book, a future studies movement began to spread throughout the country. By the mid-1970s there were several thousand future studies programs in the public schools, some of them at the elementary level. Students began writing to their legislators asking for support for more future studies programs. The problems of energy depletion, inflation, changing economic and social values, and biological engineering were no longer the province of theorists and science fiction writers. They had become the concern of young people who realized that they would probably be spending more than half their lives in the twenty-first century. And that concern remains and grows. At a time when the deceptive buzz phrase "back to basics" has caught the public fancy, surely one of the most basic objectives of the schools must be to help those young people learn sound problem-solving techniques for the future. The answers of the past are no longer enough.

The future and our view of it cannot remain a matter of human beings in fanciful costumes touring imaginary worlds. The cult interest that has developed around science fiction books, TV programs, and films may well be a form of escapism for some people of all ages; but as we acknowledge that, we must also recognize that the exotic conditions and events encountered in the *Star Trek* series, in *Star Wars* and such films, and in the novels of Bester or Pohl or LeGuin are not so far removed from our rapidly changing reality as we might once have thought them to be. Many of

the best of these entertainments offer an imaginative and solid approach to science and technology, as well as a good reading or viewing experience. Astrophysicist Carl Sagan has commented that his interest in science was encouraged and strengthened by the science fiction books he read as a teenager. Many other leading scientists and writers have remarked on the clear connection between their early science fiction reading and the development of their interest in the physical or biological sciences. Now we have come to recognize that it is not so irrelevant for us to make an instructional link between science fiction and the teaching of science, social studies, or literature in the classroom.

Statistics gathered in the late 1970s by the National Assessment of Educational Progress show that the neglect of the sciences in our society is greater than we may have been led to believe. For example, at the time that the study was made, fewer than half the high schools in the United States offered physics courses. Obviously, one of the aspects of our post-World War II recognition of the terrifying results of rapid technological change has been a retreat from the very sciences that have brought about that change. The reaction of the society to the conditions it found distasteful and difficult to understand has been to try to ignore the body of knowledge that had brought them about. Although this attitude was altered somewhat by our response to the 1958 launching of the Soviet Sputnik, the talk about the acceleration of science instruction far outlasted the results of financial cutbacks in our schools. After all, science equipment for the classroom is costly and consumable, and it has been considered a frill in many communities that are dedicated to a return to earlier, simpler forms of instruction. For many, the "basics" and science don't mix, as if the physical, biological, and social sciences were not among the most basic areas of human study.

The late 1970s saw the development of biological procedures that had long been assumed to belong to the realm of fantasy. Test-tube babies have been born healthy and strong, and the possibilities of human clones are not as remote as we once thought them to be. These facts have not made us any more comfortable about the increasing talk of extended lifespans, cryonics, replaceable limbs and organs, or the dangers of biological experiment. When we consider the legal implications for our students of the rapid pace of these developments, we realize that we should take action now if they are not to be faced with environmental and social problems which they do not understand adequately and with which they have no ability to cope. The questions: What controls should we establish over biological experiment? and Who is qualified to judge the needs for and

results of those controls? give us only a small notion of the necessity for our students to understand the legalities involved in future planning.

The schools that have already introduced future studies courses into their curricula, either as discrete units or as part of the science, social studies, or literature program, have given students a grasp of the scope of the problems they may well face in the decades to come. But how can we make certain in establishing new programs that they will not be too highly speculative for today's classroom? And how can we justify future studies programs in view of the popular demand for a return to the curriculum of the past?

Future studies programs can be extremely practical. They are intended to help children and young people learn how to solve problems, and in so doing, they offer a mechanism for dealing with the unexpected, whether it occur in daily life or in the continuing processes such as energy depletion that will affect the future lives of everyone in our society. Well-planned future studies courses can help students develop the abilities to analyze and describe problems, probe current social behavior that may contribute to the problems, break them down into manageable components, and come up with alternative solutions. Such activities enable students to realize that issues may not be as simple as they appear to be. Far from ignoring essential skills, the programs require reading, writing, and thinking. At their best, they help students develop creativity in facing and solving difficulties that have a long-range effect on the public good.

One of the greatest benefits of future studies is their capacity to help establish in the next generation a firm popular grasp of large national and global issues, and therefore to help determine that the solutions of the future will not be in the hands of a small elite whose technical knowledge might give them the power to restrict representative government. In other words, a direct focus on future studies can help ensure that the democratic process adapts to the requirements of rapid change and remains the mode by which our country governs itself. What could be more basic to the concerns of the United States than the assurance that we are perpetuating the principles on which our nation was founded? The development of an ability in every student to recognize and provide alternative solutions to future problems should be one of the chief goals of our educational system.

What can you as a teacher do to help your students make a sensible link between the experience of the past and their daily lives in the rapidly changing present and future?

- Find out what your school and school district are doing about training students for the future.

- Work with other teachers in your school to evaluate the relevance of the curriculum for current and future needs.
- Find ways in which you can introduce a future dimension into any subject your students may be studying, regardless of its content.
- If science is treated as a frill by your community, join other teachers and parents to reverse opinion by talking with your friends and neighbors about the importance of a strong science program that focuses on what Toffler calls "responsible technology."
- Encourage your students to develop judgmental ability in small problems of daily living, and show them how these problems relate to the larger national problems such as energy overuse, inflation, and environmental pollution.
- If your students are interested in science fiction books, films, and TV programs, encourage their interest and help them see the connection between what may appear to be escape entertainments and the possible realities of their future lives.
- Increase your own knowledge of the field of future studies. Help your school establish study groups of interested parents, teachers and other school personnel, neighbors without children, and students to probe areas of future studies that can be examined in the classroom. Be aware of issues that might be particularly relevant to your community or region.
- Use your power as a voter to influence legislation designed to improve future-related instruction in the public schools.
- Make sure that when budgets are being examined in your community, essential programs such as future studies courses are not threatened or discontinued because they are viewed as luxuries. Remember that they may well provide basic learning for your students' future and the future of our nation.

Because our society sometimes loses its concern for the future in its contemplation of a much simpler and clearer past, we must try to establish the continuity of past to future. We need to help students understand the past at the same time that they perpetuate the principles that permit every citizen a voice in the government of our country. In this way we can help ensure that the quality of our lives will reflect the best thought and technological development of which our society is capable. The notion that space flights and barren planets are merely aspects of idle daydreaming is a notion of the past only, and it is one that our country can no longer afford.

MARY H. CLAYCOMB
NEA Staff

INTRODUCTION

In recent years two important trends in education have been law-related education and future studies. While law has traditionally been part of the curriculum, the current focus is to make it more meaningful to students by showing that it has practical application to their own lives.[1] At the same time, in order to prepare students to live in a changing world, a number of teachers have been involved in adding a futures perspective to the curriculum.[2]

In many ways, law-related and futuristics educators share a common approach. Teachers in both areas recognize the need to involve students in the learning process and give them the skills, knowledge, and attitudes necessary to examine alternatives and make decisions throughout their lives. This, of necessity, means that students must look at their own values in relation to the society in which they are living and will continue to live in the future. Because neither the law nor the future provides us with clear-cut single answers, the curriculum in both areas is designed to help students become comfortable with and find ways of handling complex controversial issues.

While law-related education and future studies have much in common, individuals in both areas can add new dimensions to their work as they exchange ideas with each other. By adding the futures perspective, law-related educators can help people learn to examine the long-range consequences of the legal and judicial decisions being made today. Such action will prepare people to anticipate change and will make them more aware of the need for the law to become futures responsive rather than crisis responsive. Through a study of the law, futuristics educators can demonstrate how change affects an important area of life. Focusing on the law will help people see how institutions adapt to change and will help them gain a greater appreciation for the role of the law in shaping the future.

Lawmakers and futurists themselves have become aware of the necessity to work together to add the futures perspective to government. In recent years significant steps have been taken by members of Congress to make sure that futures issues will be considered in the lawmaking process. The first act was the establishment of the Office of Technology Assessment

(OTA) within the legislative branch. It was designed to help legislators assess the impact of technology, thereby enabling them to formulate better legislation. Although created in 1972, OTA did not begin to function until 1974.

Also in 1974, the House of Representatives adopted Rule X 2(b)(1), known as the Foresight Provision. It provides that

> Each standing committee (other than the Committee on Appropriations and the Committee on the Budget) . . . shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake futures research and forecasting on matters within the jurisdiction of that committee.[3]

The Congressional Budget Office (CBO) was established that same year by Congress as a way "to improve its budgetary procedures and expand its resources for obtaining information on the future of the budget."[4] The following year the Congressional Research Service (CRS), a division of the Library of Congress, created a Futures Research Group. Its purposes included

> responding to requests from individual members, committees and their staff for future-oriented information, including research, analysis, trends, forecasts, etc.;
>
> developing a greater awareness among Congressional and CRS staff of the role and value of forecasting and futures research, primarily through seminars and workshops;
>
> designing and developing an information system for futures-oriented information called Futures Information Retrieval System (FIRST) for Congressional and CRS staffs.[5]

Futurists have been actively involved in bringing the futures perspective to the lawmaking process. During the summer of 1973, Victor Ferkiss, Willis Harman, and Charles Williams, Jr., all well known futurists, testified before the House Select Committee on Committees. They urged that members of the House recognize the need for futures thinking in the reorganization of the House committee structure.[6] Alvin Toffler and Robert Theobald have also been working to increase people participation in lawmaking and futures planning. Toffler calls this process "anticipatory democracy" which is a way of "connecting future-consciousness with real participation."[7]

Members of Congress have become active futurists. With the support of Congressman Charlie Rose (D-North Carolina) and ten of his colleagues, the Congressional Clearinghouse on the Future was established in 1976 as an unofficial independent organization designed to accomplish the following objectives:

> assist Members of Congress and their staffs in their efforts to become aware of the ways in which the future is affected by today's decisions;
>
> help House committee members implement rule X, section 2(b)(1) . . . ;
>
> provide Members of Congress with information about trends which may shape the future;
>
> identify citizens interested in the future and assist Members of Congress as they make contact with these individuals. . . .[8]

Leading futurists have worked with the Congressional Clearinghouse in their efforts to implement these goals. Individuals such as Herman Kahn, the late E. F. Schumacher, Margaret Mead, Jay Forrester, Hazel Henderson, and Barbara Marx Hubbard presented their views to members of Congress and their staffs as part of the Dialogues on America's Future Series.[9] The Clearinghouse has also identified people who are now part of the Talent Bank and who have volunteered to help members of Congress look at legislation from a futures perspective.

Another important aspect of futurizing the law has been the citizen participation movement. Outstanding examples of these projects, in which participants gain a knowledge of futures planning at the state level, are Hawaii 2000, Iowa 2000, and Washington 2000.[10]

Public-interest groups are also being organized around the concept of anticipatory democracy. In 1977 people participating in the Committee for Anticipatory Democracy founded the Institute for Alternative Futures whose purpose is "to encourage more systematic consideration of the future within government policymaking and to bring about more effective citizen participation in that process."[11]

To prepare people for participation in the lawmaking process and futures planning, educators must begin to think in terms of combining both fields. The activities in this unit are designed to help students examine the impact of biological, social, and technological change on the law. By merging the two approaches, students will realize that they, too, can play an important role in shaping the law and the future.

GOALS

This unit is designed to —

1. *Acquaint students with our present legal system.*
   Law literacy is an important part of citizenship education. Students need to understand how our present system works in order to impact upon it and function within it. Since the future springs from the past and present, people preparing for the future must know about the origins and operation of our present system.

2. *Show that the law is a dynamic and changing institution.*
   According to Justice Oliver Wendell Holmes, Jr., law is not based upon fixed and unchanging principles. It is important for students to recognize, as he did, that the law is an evolving institution. Today's trends are shaping tomorrow's law, and the actions taken in the area of law and justice today will have long-range consequences for the future.

3. *Demonstrate that technological, biological, and social changes have already affected and will continue to affect law in the future.*
   In dealing with the subjects of law and the future, a holistic approach is essential. However, most people have not been trained to see beyond their own disciplines. To illustrate this point, C. G. Weeramantry includes the following example in his book *The Law in Crisis*:

   > It is said of Justice Frankfurter that when he was a law teacher he once asked his students — "Who was the greatest law reformer of the eighteenth and nineteenth centuries?" His class responded with various answers such as "Bentham" and "Mansfield." They were all wrong, said the eminent lecturer, and the proper answer was James Watt, the inventor of the steam engine.[12]

4. *Evaluate the effects of biological, social, and technological change on the future of the law.*
   Both law-related education and future studies present important values issues with which students must grapple. Only when they more clearly understand their own values, will they be prepared to make decisions and see the need to reconcile and balance opposites. This process is critical to examining futures issues because it helps students break away from either/or thinking, encourages them to assume new perspectives, and expands alternatives.

5. *Explore the long-range consequences of current trends on today's legal system.*
   One of the most important aspects of future studies is to help people

learn how to evaluate the long-range consequences of their actions. Too often our institutions are crisis rather than futures responsive. Students who learn that they must examine the consequences of today's trends will be better able to shape the law so that it will meet tomorrow's needs, thereby minimizing future crises.

6. *Introduce students to steps that futurists and government officials are taking to bring about citizen participation and make government more responsive to futures planning.*
Many people today are unaware of the actions which have already been taken to add the futures perspective to government. Citizen participation groups have sprung up all over the United States. Through such activities, people from all walks of life are becoming more aware of the need for futures thinking in the lawmaking process.

7. *Help students understand that biological, social, and technological changes have affected the future of human rights and responsibilities around the world.*
Such issues as environmental pollution, population growth, allocation of resources, and the role of multinational corporations are global in scope, and many legal questions now have worldwide ramifications. The establishment of legal institutions on a global basis will be a difficult and important concern for the future. As residents of the earth, we have both global rights and responsibilities which affect not only the law, but the future of all humanity.

8. *Familiarize students with the criminal justice system and examine the directions it may take in the future.*
Students need to know how our criminal justice system works and to realize that our changing world has placed strains upon it. Alternative methods for resolving disputes have been proposed in response to these new developments. These proposals should now be evaluated in the light of present problems and future possibilities.

9. *Help students realize that they have a role in shaping tomorrow's laws.*
Future studies and law-related education stress the role of people both individually and collectively in making decisions. If students are to feel that they are part of the law and the future, they must gain confidence in themselves and their abilities to affect change. This comes not only through involvement, but through understanding of the system and how to work within it.

10. *Encourage students to develop positive attitudes toward law and the future.*
As an institution, the law has roots deep in our past; and it is essential that students gain not only an appreciation of their heritage, but realize

that the law cannot flourish if these roots are destroyed. Developing confidence in the law can be gained by a study of its past traditions, its present accomplishments, and its future possibilities. While the law is not perfect, students must be given opportunities to discuss ways in which it can become more responsive through people participation.

OBJECTIVES

Students will be able to —

1. Use cases dealing with artificial insemination to discuss the legal consequences of the introduction of biomedical technology on such areas as child support, inheritance, and adoption.
2. Use cases dealing with organ transplants to
   state the facts of the case, the points at issue, the competing arguments, the decision rendered, the reasons for the decision, and the implications of the decision.[13]
3. Draft legislation dealing with the issues raised by biological, social, and technological change.
4. Write a letter to a legislator indicating the type of legislation needed to deal with a particular biological, social, or technological change.
5. Identify the possible positive and negative long-range consequences of cryonics on existing laws.
6. Compare the Bill of Rights with other existing and proposed guarantees of human rights.
7. Distinguish between statutory law, moral law, and the law of survival.
8. State the long-range positive and negative effects of future biological, social, and technological changes on individual decisions, social decisions, values, institutions, and power holders.
9. List the ways that members of Congress and futurists have attempted to make the law more futures responsive rather than crisis responsive.
10. State the purposes of the foresight provision passed by the U.S. House of Representatives.
11. Discuss the changing nature of crime.
12. Keep a record of the types of crime reported by the media, identify those crimes which do not receive major coverage, and discuss the implications of their findings for the future.

13. Describe the training procedures of a police academy or interview members of the local police department to find out how they are currently being prepared for future situations.
14. Participate in a moral dilemma discussion and decide whether or not the issues can be reconciled by law.
15. Write a scenario or use a futures wheel[14] to explore the various futures for the law.
16. Participate in a mock trial.
17. During debriefing of the mock trial, explain how the adversary system operates.
18. Apply principles of conflict resolution to their own school setting.
19. After a role-playing situation, discuss the strengths and weaknesses of our present penal system and evaluate changes proposed for the future.
20. Identify and discuss probable, possible, and preferable futures for the law.

LEGAL TERMS

1. adjudication
2. adversary system
3. American Bar Association
4. arbitration
5. bailiff
6. bankruptcy
7. Bill of Rights
8. civil law
9. class action suit
10. clerk
11. collective bargaining
12. conjugal visits
13. Constitution of the United States
14. court docket
15. court reporter
16. criminal law
17. Declaration of Independence
18. defendant
19. dispute resolution
20. district attorney

21. federal laws
22. injunction
23. International Covenant on Economic, Social, and Cultural Rights — 1966
24. judge
25. Judge of the First Impression
26. juror
27. law of survival
28. litigation
29. malpractice
30. mediation
31. moral law
32. negotiation
33. no fault insurance/divorce
34. ombudsman
35. petition the court
36. plaintiff
37. pressure group
38. prison as deterrence to crime
39. prison as prevention
40. prison as rehabilitation from crime
41. prison as retribution for crime
42. prison as restraint
43. probate court
44. respondent
45. state laws
46. statutory law
47. Universal Declaration of Human Rights — 1948
48. victimless crime
49. ward of the state
50. white collar crime

FUTURES TERMS

1. alternative futures
2. android
3. anticipatory democracy
4. artificial insemination donor (a.i.d.)
5. behavior modification

6. behavioral psychologist
7. CBO
8. CRS
9. chemical therapy
10. clone
11. cryonics
12. cyborg
13. delphi study
14. ESP
15. forecasting methods
16. foresight provision
17. futures wheel
18. limits to growth
19. OTA
20. organ donor
21. polygraph
22. psychosurgery
23. recombinant DNA
24. scenario
25. subliminal message
26. technology assessment
27. teleportation
28. trend extrapolation
29. World Future Society
30. XYY chromosome

THE FUTURES MIND-SET

A unit on law and the futures should help students —

1. Be more creative and imaginative.
2. Try on new perspectives.
3. Discover the interrelationship of past, present, and future.
4. Be flexible and adaptable to change.
5. Examine alternative futures.
6. Clarify their values.
7. Recognize the interrelated nature of systems.
8. Take a holistic approach to problem solving.

9. Evaluate the long-range consequences of the decisions made today for tomorrow.
10. Develop a poetic reverence for the universe.
11. Realize that futures can be prevented, altered, and/or invented.[15]

UNIT OVERVIEW

Activities from this unit can be used in either a government or futures class. We have found that in a government class teachers may want to integrate activities throughout the course as one way of adding the futures perspective to the more traditional content areas. In a futures class, teachers may want to involve students in the activities and emphasize the legal aspects during the discussions which follow. In either case, it is hoped that the interrelationship between the two areas will clearly emerge and students will recognize the importance of thinking about alternative futures for the law.

PEOPLE, LAW, AND THE FUTURES PERSPECTIVE is organized around five topics. "Changing People: Changing Law" is designed to help students understand the concept of change and how it affects the law. The second section focuses on "Rights: Yesterday, Today, and Tomorrow," showing how our concept of rights, while deeply rooted in the past, has broadened and faces new challenges from changes which are currently taking place. Section three "The Law: Futures Responsive or Crisis Responsive" deals with the growing awareness of legislators and their constituents that officials at all levels of government should anticipate future change and involve more people in the planning process. "Enforcing the Law: Our Changing Concept of Crime," the next section, considers the impact of technology on crime in the past and explores possible effects of new technologies on crime in the future. The last section "Tomorrow's Justice: What Forms Will It Take?" involves students in the future of the criminal justice system. In the conclusion students can examine the law through literature and discuss the viewpoints of various attorneys on the future of law.

ANALYSIS AND ACTION

Having completed the unit, students will have gained experience in *analyzing issues* and will be ready to take *constructive action*. In a period of change, we can no longer afford to permit the law to be crisis responsive. As the law becomes more futures responsive, however, people will have to spend more time analyzing the consequences of their actions.

Learning to anticipate possible outcomes is crucial to futures thinking. This skill involves the ability to try on new perspectives, the willingness to examine the widest range of alternatives, the courage to confront the values issues which have been raised, and the commitment to take constructive action to minimize undesirable futures and maximize desirable ones. More importantly, it requires a dedication to learning as well as the realization that updating is a continual process in a changing society. Through this unit it is hoped that students will learn how to apply these principles to the law and play an active role in shaping its future.

Such involvement can take many forms. Initially it may be participating in a mock trial and gaining the self-confidence and experience necessary before becoming involved. By finding out about people participation, students will be taking the first steps toward action in citizen groups and/or political campaigns. Eventually they may choose to work to reform the criminal justice system, support local law enforcement authorities, and work for the passage of or be involved in the making of laws which anticipate futures issues. For many, however, their most important contribution to the future will be a willingness to serve on juries, act as witnesses, and cast informed votes. Without people participation on all levels, the law has no future.

CHANGING PEOPLE: CHANGING LAW

Futurists are very much concerned with the possibilities of the biological revolution and its potential for changing people. Current biological innovations have already brought about changes in the law, and contemporary research poses even more complex questions for the future. The activities in this section are designed to help students explore the present and future legal ramifications of some of these new issues.

A Problem of Inheritance: Defining Humanness

Because our present laws are increasingly being applied to changing situations, we may have to examine our definition of what it means to be human in the future. Anticipating change is an important part of futures thinking. The following activity from *The Biological Revolution: Examining Values Through the Futures Perspective* will involve students in this process:

Set the stage by telling the students that a millionaire has died and left a sizable sum of money to each of the following:

her clone;
a purple cyborg who once saved her life;
a man with gills who lives and works in
one of her underwater factories;
her android butler; and
a computer connected to her detached brain.

Explain that the law in the year 2026 states that only "persons" can inherit. The computer has claimed all the money, arguing that the woman is not really dead. The clone claims that she is the only "person" among those named in the will and is, therefore, entitled to all the inheritance. The millionaire's son who was disinherited for his work in the Society for the Preservation of Purity Among Humans claims that none of the above are "persons" and that he is entitled to the entire inheritance. Have various members of the class role play the potential heirs and their attorneys while the rest of the class serves as a panel of judges who must decide the case.[16]

Teachers should remind students that courts have dealt with the question of what constitutes a person before the law in the past in connection with the rights of both slaves and women. Chief Justice Roger B. Taney in the *Dred Scott Case* (1857) held that at the time of the writing of the U.S. Constitution, slaves were "considered as a subordinate and inferior class of beings" and "had no rights or privileges but such as those who held the power and the government might choose to grant them."[17]

Clones, Questions, and Consequences

David Rorvik claims in his book *In His Image: The Cloning of a Man*[18] that an unnamed 68-year-old bachelor provided funds for the scientists who successfully cloned him. A woman agreed to carry the child to term, and, at the time of publication, the child was 14 months old. To protect all parties involved, the publishing company has only the guarantee of science writer Rorvik that the story is true. Although many authorities doubt the veracity of the book, they believe that human cloning is a very real future possibility; and, for this reason, it is important for people to examine the legal consequences of such action in the present. Ask students to consider the following legal questions:

1. Is the clone the man's legitimate son?
2. Does the man have to legally adopt his clone before the child can become his son?

3. What are the legal rights of the woman who carried the child? Is she the child's legal and/or biological mother?
4. Can the woman legally adopt the clone?
5. Is the clone legally a person with all rights guaranteed by law?
6. Could clones be legally deemed wards of the state during their minority? during their entire lives?
7. How should the birth certificate read? Would it be a form of discrimination to indicate that this child is a clone?

Students may then want to draft legislation which would cover the following topics: Is it legal to clone a human? Under what circumstances can it be done? Can a person be cloned without giving permission? Can an individual clone himself/herself to obtain spare body parts? Can people be cloned for scientific research?[19]

Artificial Insemination: Tomorrow's Questions Today

While cloning may still be an issue for the future, artificial insemination has already raised many legal questions which have been decided in the courts and through legislation. The following cases will introduce students to the ways in which state courts have handled questions involving artificial insemination:[20]

People v. *Sorensen*, 66 Cal. Rptr., 7 (1968)

Sorensen, the defendant, consented to his wife being artificially inseminated with the semen of a third-party donor. While they were married, the child was born. The couple later divorced. The state sued the ex-husband (Sorensen) for willfully refusing to support his child. Child support is required under the California law.

Sorensen claimed he was not the father and, therefore, not required to support the child. The court found that Sorensen was the father; hence, he must pay child support. The California court ruled that the determinative factor was not whether Sorensen was the biological parent, but whether the legal relationship of parent-child existed. The court found that such a relationship did exist.

Held: A reasonable man who, because of his inability to procreate, actively participates and consents to his wife's artificial insemination in the hope that a child will be produced whom they will treat as their own knows that such behavior carries with it the legal responsibilities of fatherhood and criminal responsibilities for non-support.[21]

Adoption of Anonymous, 345 N.Y.S. 2d 430 (1973)

This was a petition for adoption.

A child was born of consensual artificial insemination to Jane and John Doe. John and Jane were later divorced. Jane remarried, and she and her new husband petitioned the court to adopt the child. New York law required the consent of both parents to adoption. John refused consent. If John was the parent (father), the petition for adoption must be refused.

Question: Is John the father?

Held: Yes. The child of a consensual artificial insemination conceived during a valid marriage is a legitimate child and entitled to the rights and privileges of a naturally conceived child. Therefore, the petition must be dismissed since the father did not consent.

Questions to think about:

1. Why do you think such a child is considered legitimate rather than illegitimate?

   State public policy favors legitimation; there is no valid public policy served by stigmatizing an artificially conceived child as illegitimate.[22]

2. John and Mary cannot produce a child. Mary is artificially inseminated without John's consent. Should John be considered the parent? If John supports the child, calls him "son" — should he have to pay child support if he and Mary are divorced?

3. Under Ohio laws (O.R.C. 3105.01) impotency is grounds for divorce. How does artificial insemination affect this provision?

Habeas Corpus: Who's Who in the 21st Century

Students should realize that in many instances no precedents exist for the questions raised in cases dealing with biological innovations. To illustrate this point, divide the class into three-judge panels. Their task will be to act as Judges of the First Impression as they consider the following situation created by Robert Heinlein in his book *I Will Fear No Evil*:[23]

The extremely wealthy and aged Johann Sebastian Bach Smith was being kept alive by machines. He talked with his attorney Jacob Salomon about the ways in which he could obtain a body of a person who was from 20 to 40 years old and whose brain had been legally declared dead. A brain transplant would free him from the machines — one way or another.

Following the surgery, Smith's grandaughters petitioned the court to declare him legally dead. This petition was denied. However, his attorney asked to be made Smith's guardian pro tem because of his postoperative incapacity. On recovery, Smith was to appear in court to be judged competent to handle his own affairs.

For some time after the operation, Smith was not permitted to look at himself in a mirror. When he was finally allowed to see his new body, he found that it was a woman's body. The shock came when he saw his face and realized that the body had belonged to his beautiful young secretary, Eunice Branca, who had been killed by a mugger.

Counsels, petitioners, guardian, and ward appeared in the chambers of Judge McCampbell for a hearing. The attorneys for the petitioners (the granddaughters) questioned whether Johann Sebastian Bach Smith was actually in the judge's chambers. The person calling herself Ms. Smith agreed to answer questions posed by the petitioners as a way of establishing identity. Judge McCampbell indicated that this procedure was inconclusive. However, Ms. Smith shook hands with the judge. He and Johann Sebastian Bach Smith had been fraternity brothers, and Jacob Salomon could not have coached his client on this detail. Judge McCampbell ruled that identity had been temporarily established. The burden of proof now lay with Jacob Salomon, however, to return to court at a future date to prove beyond any reasonable doubt that the brain transplant had occurred.

Returning to court, Jacob Salomon and his client once again appeared before Judge McCampbell. The petitioners questioned whether or not a fraternity brother of Johann Sebastian Bach Smith should sit in judgment. Judge McCampbell indicated that they were fraternity brothers but in different periods of time. When Jacob Salomon asked Joe Branca to identify Eunice Branca, Branca indicated that his wife was dead. The surgeon testified that he could not identify the individual on whom he had operated because the bodies had been carefully covered with sheets and prepped for surgery. Exhibit J which was introduced was the body of Johann Sebastian Bach Smith.

Judge McCampbell pointed out that this proceeding was not a trial. The petitioners had questioned the identity of Ms. Smith. In concluding the hearing, Judge McCampbell indicated that he could rule in one of four ways:

"That both Johann Sebastian Bach Smith and Eunice Evans Branca are alive;

"That Eunice is alive and Johann is dead;

"That Eunice is dead and Johann is alive;

"That both Eunice and Johann are dead.

"The Court rules . . . that this person before us is a physiological composite of the body of Eunice Evans Branca and the brain of Johann Sebastian Bach Smith and that in accordance with the equitable principle set forth in 'Estate of Henry M. Parsons v. Rhode Island,'* [24] this female person is Johann Sebastian Bach Smith."[25]

After students discuss the consequences of each of the four options cited by Judge McCampbell, you can share the ruling with them and discuss the future implications of this decision.

Organ Transplants: A Matter of Life and Death

People once regarded organ transplants as a future impossibility. Today in many states, however, when individuals apply for driver's licenses, they are called upon to make decisions about whether or not to become an organ donor. As an example of this type of legislation, students might want to examine parts of the Ohio Revised Code (O.R.C.) which have been enacted to adopt the Uniform Anatomical Gift Act (1968) recommended by the National Conference of Commissioners on Uniform State Laws:[26]

ORGAN TRANSPLANTS

Ohio Revised Code Laws on Donation of Body Parts
2108.02

A. Any individual of sound mind and 18 years old or more may donate all or part of his/her body to certain people (listed in 2108.03) to take effect on his/her death.

B. After a person dies, without indicating he/she does not want all or part of his/her body donated —
   1. The spouse may donate any part of the dead person's body.
   2. If there is no spouse, an adult child may donate.
   3. If there is no spouse and no adult child, either parent may donate.
   4. If there is no one under (1)–(3), a guardian may donate.
   5. If there is no one under (1)–(4), any person authorized to dispose of the body may donate.

* Death occurs when brain activity stops.

2108.03

Permissible donees (recipients of the body) include a hospital, physician, medical or dental school, storage bank, or a specified person.

2108.04

A person may give all or part of his/her body by any of three methods:

1. by will,
2. by signing a document in the presence of two witnesses, or
3. by signing the back of his/her driver's license.

This gift of a body part does not become effective until the donor (giver) dies.

2108.06 Amendment or revocation:

A. If the will or card has been given to the donee, the donor may amend or revoke by —
   1. Giving the donee a signed statement.
   2. Orally telling the donee, in the presence of two people.
   3. Telling the doctor during a fatal illness.
   4. Having a signed card.

B. If the will or card has not been delivered, the donor may revoke or amend by any of the methods listed in (A) or by destroying or mutilating the card.

2108.07

The time of death is determined by the attending doctor or a doctor selected by the donor. If the doctor is not available to determine the time of death, two other doctors, with no connection with the donee, shall do so.

2108.08

A person who acts in good faith in accordance with 2108.01-10 is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his/her act.

After reading the law, students can discuss a case which actually occurred and grapple with the values questions with which the court had to deal in arriving at its decision. The following case involved legal questions concerning transplantation surgery:[27]

Strunk v. *Strunk*, Ky., 445 S.W. 2d 145 (1969)

Jerry was a ward of the state because he was mentally incompetent. His brother, Tommy, was dying of kidney disease.

Tommy was 28 years old and Jerry was 27 years old. Tommy was being kept alive by a kidney machine, but this process could not continue. Tommy would not survive a transplant from a cadaver (dead body). A person donating a kidney must have the same type blood and tissue as the person receiving the kidney (Tommy). The only living relative with blood and tissue compatible with Tommy's was Jerry.

Since Jerry was not of sound mind (see O.R.C. 2108.02), he could not donate his kidney. Could a court order Jerry's kidney removed in order to be transplanted into Tommy?

Held: Yes. Jerry was very emotionally dependent on Tommy.

Psychiatrists testified that the death of Tommy would have a traumatic effect on Jerry. The court decided the transplant operation would also benefit Jerry because he was so dependent on Tommy that the loss of Tommy would be worse for Jerry than the loss of the kidney. The court has power to order an operation that is beneficial to an incompetent. Since the operation would benefit Jerry, the court could intervene.[28]

Cryonics: A Case for the Courts?

Advocates of cryonics believe that people suffering from terminal illnesses have the right to be frozen before they die. Freezing will decrease the possibilities of cellular damage when they are revived in the future. The following hypothetical case shows the complexity of biological issues and demonstrates how the law impacts upon society and affects various branches of government in often unexpected ways:

A young adult who is dying of an incurable disease has asked the local cryonics society to begin the process of freezing before death occurs. According to the doctors on the case, their patient has only a few hours to live. The patient wants to begin the process immediately. The doctors have gone to court to obtain an injunction to prevent the freezing from taking place until legal death occurs.

If you were the judge, would you issue the injunction? If you were the district attorney and you learned that the director of the cryonics society went ahead with the freezing before legal death occurred, would you prosecute for murder? If you were a member of the state legislature, what legislation would you draft concerning the freezing of people before death? What types of letters would be written to lawmakers by representatives of various pressure groups concerning this issue (morticians, right-to-life groups, cryonics society members, etc.)?

Raising Lazarus: Legal Ramifications

To encourage students to examine the consequences of various laws, have them assume that the law in the year 2050 permits people to be frozen before death if they so indicate in writing. The following hypothetical case will help them think about the legal ramifications of cryonics:

> Mark Lazarus was frozen at age 35 without being legally declared dead. He suffered a crippling heart attack which his doctor thought would be fatal. She discussed the situation with him and he opted to be frozen immediately. After going to Probate Court, his wife, Martha, was given legal custody of Mark.
>
> Thirty-five years pass. Medical researchers now believe that they will be able to replace the damaged portion of Mark's heart so that he can resume a normal life.
>
> Mark Lazarus, Jr., now 37 years old, has petitioned the court so that the cryonics society can begin the thawing procedure immediately. Attorneys for the son, acting on his father's behalf, contend that continued freezing will increase the chances of tissue damage and that with the new medical techniques, Mark Lazarus, Sr., can undergo an operation which will repair his heart and permit him to live a normal life.
>
> However, Martha Lazarus opposes thawing at this time. As the respondent in this case, her attorneys argue that neither the proposed heart operation nor the thawing procedure has been thoroughly perfected. She claims that it is in the interest of Mark, Sr., to remain frozen.
>
> In addition to the legal questions, many emotional issues are involved in this case. Mark, Jr., would like to get to know his father. He contends that his mother is unable to adjust to the thought of a husband who looks 35 while she has aged and is 68.

Students can act as Judges of the First Impression, or a mock trial can be developed to determine whether it is or is not in the interest of Mark Lazarus, Sr., to be thawed at this point in time.

If Mark Lazarus, Sr., is successfully revived, students should consider the following legal questions:

1. Would he be legally considered 70 years old or 35 years old?
2. If he is 70 years old, would he be entitled to social security benefits?
3. If he wanted additional insurance, would he be given the rate of a 35-year-old or a 70-year-old?

4. If retirement is mandatory at 70, will he be able to support himself through what might well be his most productive years?
5. If any of his tissues were damaged during the thawing process, should he be awarded damages?
6. Would he be entitled to receive the benefits of a vocational rehabilitation program?

Each activity in this section has raised legal questions which people may confront in the future. Throughout this part of the unit, students should propose legislation which deals with these issues. After drafting their bills, students should ask the following questions:

1. What values are reflected in their laws?
2. Do their laws provide for future changes?
3. What new legal questions may arise from the laws they have proposed?
4. What human rights are affected by these new laws?

RIGHTS: YESTERDAY, TODAY, AND TOMORROW

This section deals with technological change and its present and future impact on people's rights. Students need to think about how traditional rights can be preserved and to recognize that as situations change a new concept of rights may emerge. The activities in this section help students explore the question of rights in the context of the past, the present, and alternative futures.

The Wireless Wiretap

As a way of stressing the interrelationship of past, present, and future, students should identify the rights guaranteed by the Constitution and then brainstorm a list of current and future technologies which could have positive and negative impact upon these rights. Finally students can

discuss whether or not government has the right to encourage, restrict, or prohibit the development of any of these new technologies.

In his book *The Law in Crisis*, C. G. Weeramantry points out that a "report of the Secretary-General of the United Nations to the Commission on Human Rights refers to a technique for taking sound out of rooms by using laser microphones."[29]

While a court order must be obtained for wiretapping in the United States, it is now possible, as Justice Douglas of the U.S. Supreme Court warned, to record "without tapping any wire."[30] Students can discuss the ways such new technology might affect the protection guaranteed by the Fourth Amendment to the Constitution or write a science fiction short story exploring the subject.

A Bill of Rights for the Future

Have students identify new rights which should be protected in the future and then compare them with "The Bill of Rights for 1984" developed by Richard E. Farson in *Worlds in the Making: Probes for Students of the Future*.[31] Students may want to compare their proposal for human rights in the future with the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948 and the International Covenant on Economic, Social, and Cultural Rights written in 1966. Students should discuss the images of the future implied by the authors of each document, including their own.

Rights and Responsibilities: A Legal Balancing Act

This activity is designed to involve students in the conflict between individual and societal rights which has been brought about by changes in our contemporary world. It examines the role of law and other forces in reconciling and balancing opposing claims. In dealing with the following issues, students should identify the method(s) we are currently using and the method(s) which they believe would be preferable for the future.

Note: Teachers should ask students to be prepared to give examples to support their opinions in the discussion which will follow this individual exercise. In debriefing, students should point out the conflicting rights (if any) and suggest ways in which they can be reconciled and balanced. To add still another dimension to this exercise, students should consider how these situations are handled in other countries.

RIGHT TO	LAW OF SURVIVAL		MORAL LAW		STATUTORY LAW CRIMINAL		CIVIL	
	Current	Preferable	Current	Preferable	Current	Preferable	Current	Preferable
1. Clean Air								
a. Smoke a cigarette in public								
b. Produce goods if air pollution is caused								
c. Drive my automobile								
2. Peace and Quiet								
a. Ride my motorcycle								
b. Provide SST service								
c. Practice electric guitar								
3. Health and Safety								
a. Drive faster than the speed limit								
b. Ride my motorcycle without a helmet								
c. Buy a product which may be harmful to my health								
4. Privacy								
a. Earn my living through telephone solicitation								
b. Access to credit records of customers								
c. Protect citizens by electronic surveillance								
5. Pure and Healthful Food								
a. Sell candy at a school vending machine								
b. Lengthen shelf life of foods through additives								
c. Use chemical rather than organic fertilizer								
6. Aesthetic Environment								
a. Market disposable containers								
b. Litter								
c. Settle a wilderness area								

RIGHT TO	LAW OF SURVIVAL		MORAL LAW		STATUTORY LAW CRIMINAL		CIVIL	
	Current	Preferable	Current	Preferable	Current	Preferable	Current	Preferable
7. Land Use								
a. Build skyscrapers which block out sunshine								
b. Construct more highways								
c. Play golf								
8. Clean Water								
a. Use phosphates in my detergent								
b. Run the water while brushing my teeth								
c. Dispose of garbage in oceans								
9. Consume Energy								
a. Run my air conditioner								
b. Overheat								
c. Pleasure drive								
10. Knowledge								
a. Restrict controversial research								
b. Use copying and videotape equipment								
c. Use complex computer programs								

THE LAW: FUTURES RESPONSIVE OR CRISIS RESPONSIVE

This section is designed to involve students in both citizenship participation and futures planning. Through the activities, students will become familiar with steps that government is currently taking to become more futures rather than crisis responsive. As a result of their increased awareness, it is hoped that students will choose to take an active role in shaping the future.

Things to Come: Examining the Consequences

Students should consider the possible consequences of projected future changes. One way to do so has been suggested by futurist James Dator, Professor of Political Science at the University of Hawaii. He believes that we need to consider the effect of change on the following areas: individual decisions, social decisions, values, institutions, and power holders.[32] (Teachers may need to remind students that the law and the courts are institutions.) Have students make charts to assist them in showing the short-term and long-range positive and negative effects of the following changes on these areas:

1. Establishment of space colonies
2. Development of ESP
3. Landing of extraterrestrial intelligences
4. Attainment of equal rights for all human beings
5. Prolongation of life (200 years)
6. Teleportation
7. Realization of global citizenship
8. End of compulsory school attendance
9. Space industries
10. Obsolescence of reading
11. Introduction of androids
12. Three-dimensional copying equipment
13. Amniocentesis.

Yesterday's Technology: Today's Law

Divide the class into groups of three to prepare a research project showing the effect of the following technologies on today's laws:

1. Printing press
2. Handguns
3. Vaccinations for childhood diseases
4. Blood transfusions
5. Automobiles[33]
6. Airplanes
7. Pesticides
8. Television
9. Computers
10. Thalidomide
11. Nuclear power plants
12. CB radios
13. Recombinant DNA

In debriefing this activity, students should be asked to identify the government agencies which are involved in the lawmaking process, particularly the independent regulatory agencies. Students should also indicate how these past technologies have impacted on individual decisions, social decisions, values, institutions, and power holders as suggested in the previous activity, and discuss the degree to which these past technologies have brought about change on the international level. To conclude, students should consider whether the law has been crisis or futures responsive in dealing with these past technological changes.

Shaping Tomorrow's Laws: Citizen Input

After introducing them to the concept of Anticipatory Democracy (see Introduction) and explaining the Foresight Provision adopted by the U.S. House of Representatives in 1974 (see Introduction), students can investigate their own city council and state legislature to determine the degree to which these institutions are futures responsive. They may also write to their U.S. Senators to encourage the adoption of a similar rule in the U.S. Senate. Other students may wish to contact existing citizens' participation groups within their own community and/or state and report on or become involved in their activities.[34]

Futurizing the Law: What's Going on in Government

Students should assume that they are members of Congress. After having learned the functions of OTA, CRS, and CBO (see Introduction), they can develop a list of areas in which they would like to have technology assessments. In a futures class, students may already be familiar with forecasting techniques; if so, they should specify the most appropriate methods for evaluating possible impacts of future technologies.[35]

ENFORCING THE LAW: OUR CHANGING CONCEPT OF CRIME

This section deals with the effect of technology on both crime and crime prevention. Its activities point out the directions each may take in the future. Students are asked to think about crime in the broader context of society and to discover the most effective alternatives for preventing crime in the future.

Technology: The Unanticipated Consequences for Crime

Students should realize that biological, social, and technological innovations have affected the crime rate. How have the following contributed to the declining rate of deaths resulting from the commission of crimes: telephones? medical advances? automobiles? radios?[36]

In the discussion, students should consider whether or not technological advances such as those mentioned have helped the criminal or the law enforcement agencies. To do so, students could use a futures wheel. Can they name other changes which have affected the rate of crime?

Contemporary Crime: What Is Newsworthy?

Have students clip articles from the newspaper dealing with different types of crime or keep a written record of the types of crime reported on radio and television newscasts. Then ask them to classify victims according to age, sex, and economic status. What past changes have brought about this contemporary situation? What steps could be taken to prevent these crimes in the future?

Students should next discuss the types of crime which do not receive widespread publicity such as child molesting, child abuse, wife/husband beating, rape, shoplifting, petty theft, drug abuse, victimless crimes, and auto theft. Why don't these crimes receive as much media attention as others? Will such crimes gain more publicity in the future? What changes must take place in our contemporary society before this occurs? Is increased public awareness necessary before such crimes can be prevented?

Students can also identify victimless crimes and consider whether or not they should be decriminalized. Is our view of victimless crimes changing? How might it change in the future?

What are the present and future problems of victims of crimes and their families? of witnesses to crimes?

In some states victims of crime are compensated. If this practice becomes widespread, what would be the positive and negative consequences?

Using statistics and information concerning crime in the present, students should discuss the question: Who will be the victims of crime in the future? What steps must be taken today to prevent this situation from happening?

Students can also study newspapers from different time periods to determine what was considered a serious offense. A comparison can then be made with the way in which crime is viewed today and the way in which it might be viewed in the future. Some students may want to find out what constitutes newsworthy crime in other countries.

Criminology: Confronting Crime Futurestyle?[37]

Plan a field trip to a police academy, or invite a representative of the local police department to speak to the class concerning the training of police today. In what ways are police currently being prepared for future situations?

Then ask students to plan the curriculum for a police academy in the year 2020, giving attention to the following questions:

Will there still be police?

What would be the admissions requirements?

What type of weapons training would be available?

What type of technological advances would cadets need to know about?

With what types of crime would cadets have to learn to deal? (Some futurists predict that there will be an increase in white collar crime and a decrease in crimes of violence in the future.)

What types of human relations training would be included, if any? What type of law might be studied and enforced?

Is the Chromosome the Criminal?

Research indicates that an unusually high percentage of criminals have the XYY chromosome. The results of these studies have been questioned, however, and critics believe that other factors could be involved. For example, the characteristics of the XYY male — "such as above-average height, below-average intelligence, and severe acne — could have significant effects on how other people relate to them. . . ."[38] The XYY chromosome can be detected by amniocentesis, and some hospitals are already registering the birth of these babies.

Ask students how they would handle the following situations affecting people, law, and the future.

As members of the state legislature, would you vote for any of the following provisions of a proposed crime prevention bill:

1. Special surveillance for XYY chromosome carriers?
2. Funds for further research, both genetic and environmental, as well as on the role of "normal" XYY males?
3. Listing of all individuals carrying the XYY chromosome on school records and job applications?
4. Enrollment of all XYY children in a special state-supported and controlled school?
5. Aborting of all XYY babies?

After role-playing legislators, each student should next assume the role of a parent who has just learned through amniocentesis that her/his child will have the XYY chromosome. What action, if any, would such a person take to prepare for the future? Should doctors keep this information from parents? How might such action change the future?

Does Crime Have a Future?

Have students brainstorm the following What If question: What if there were no crime?

After students have tried on this new perspective, ask them to write a scenario describing such a society and indicate how it came into existence. Students should share their scenarios as a way of examining alternative futures. In his book *The Transformation: A Guide to the Inevitable Changes in Humankind*, George Leonard envisions a future in which there is no crime.[39]

TOMORROW'S JUSTICE: WHAT FORMS WILL IT TAKE?

Other important parts of the justice system are the courts and correctional institutions. This section will introduce students not only to our current trial procedures, but to alternative methods of dispute resolution. It concludes with an exploration of the purpose and nature of our prison system.

A Mock Trial: The Case of the Subliminal Ad

A mock trial will help students explore future possibilities as well as acquaint them with the manner in which disputes are settled in the present. Assign students to the following roles: judge, plaintiff, plaintiff's attorney, witnesses for the plaintiff (three), defendants, defendants' attorney, witnesses for the defense (three), panel of jurors, clerk, court reporter, and bailiff.[40]

The Plaintiff

Because of the use of subliminal advertising, this individual has purchased the following products within the last month: Multi-Change Walls for every room in the home, five cases of Plankton Punch, ten bottles of Green Hair Dye for the Martian Look, Simulsensory Video Screens to amplify a regular television set, six Rocket Belts, three robots, a space vacation for two; and a Hovercraft.

This person has been fired, no longer has a savings account, and is $70,000 in debt. During the last year the plaintiff has gained 50 pounds as a result of consuming products which were advertised subliminally. Shortly before the trial, the person's spouse ended a ten-year marriage.

Plaintiff's Attorney

This person is a public interest attorney who works for the Society to Outlaw Subliminal Advertising. The attorney has filed a class action suit on behalf of those individuals who are the victims of subliminal advertising and who are unable to resist its message. The plaintiff asserts such advertising constitutes fraudulent inducement by the ad agency and the companies involved.

Defendants

The Planetex Advertising Agency; Multi-Change Walls, Inc.; Plankton Punch, International; Martian Look, Inc.; Simulsensory Video, Inc.; Riding High, International; International Computers; Moon Holiday Travel, Interplanetary; and Hovco, International.

Defendants' Attorney

The senior partner in the law firm of Barton, Nelson, Cannon, and Brunsberg maintains that subliminal advertising is not illegal in the United States and that the defendants have not commited an illegal act, nor have they tried to deceive the consumer since subliminal advertising is commonplace.

Witness for the Plaintiff

A behavioral psychologist, who is an expert in the field of subliminal advertising and who once worked for a major advertising agency in planning subliminal campaigns, testified for the plaintiff. This individual began to question the morality of this method of advertising and, after protesting to management, was asked to resign. For the past two years this individual has been active in S.O.S. (Society to Outlaw Subliminal Advertising).

Witness for the Plaintiff

This individual had a promising career as an oceanographer. However, two years ago this person suddenly began to buy products which were not needed and became so frustrated that psychiatric assistance was sought. Psychiatrists have been able to help the individual learn to block out subliminal messages, but the person still experiences distress and cannot make a purchase without questioning the source of the need. After bankruptcy and being institutionalized for a year, this person is beginning a new life.

Witness for the Plaintiff

The director of the Society to Outlaw Subliminal Advertising has taken affidavits from over 350 individuals who have either lost their jobs, their families, or their stability as a result of buying products which they did not need and/or could not afford. The director of S.O.S. cited Weeramantry who explained as far back as 1975 in his book *The Law in Crisis*: "The use of subliminal messages is banned in some West European countries but not in the United States where the only prohibition against such use is under the Television Code of the National Association of Broadcasters."[41] The society is working to pass stricter laws in this area.

Witness for the Defense

The research director for the Planetex Advertising Agency points out that our subconscious attitudes are far from being the whole explanation of our buying behavior. Ad agencies now apply scientific knowledge and research methodology to the field. As early as February 27, 1953, Vance Packard pointed out that *Printer's Ink* reported that "the nation's outstanding advertisers favor the increased use of social sciences and social scientists in . . . campaign planning."[42] Planetex Advertising Agency proudly employs ten social scientists on its staff.

Witness for the Defense

The president of Martian Look, Inc., believes that no fraud has been committed and that the companies are not responsible for the debts of an individual who has lost control. Business is not the only area in which subliminal advertising is currently being used. For example, it is a method used to encourage students to attend school, to promote charity drives, and to influence voters in political campaigns. Subliminal advertising is just one form of advertising used by competing firms to interest consumers in their products.

Witness for the Defense

The behavioral psychologist who is on the staff of Moon Holiday Travel, Interplanetary, is an expert in the area of subliminal messages and their effects on human behavior. Research conducted by the company shows that the final decision to purchase a product is made by the consumer who must ultimately decide to buy or not to buy. The decision to consume is made freely and independently of the subliminal message. This research, conducted at a leading university over a ten-year period, involved individuals who agreed to participate in an experiment subsidized by Moon Holiday Travel.

Judge

The jury must determine whether or not the defendants have been involved in fraudulent inducement in their advertising and if they are found guilty must assess the damages.

Although the subject matter of this trial is set in the future, the trial itself is conducted in a traditional manner representative of the adversary system common to the last half of the 20th century in the United States.

Note: Since debriefing is the most important part of the mock trial, sufficient time should be devoted to this process.[43]

Today's Trends: Tomorrow's Justice?

Students could use a futures wheel or write scenarios to help them consider the consequences of the following developments:

1. Videotaped trials have been edited so that prejudicial statements have been removed before they are viewed by the jury.
2. Trials are eliminated as plea bargaining becomes commonplace.
3. Computers make judicial decisions to eliminate situations in which 31 different judges give 31 different decisions.
4. No-fault divorce and no-fault insurance reduce the number of cases which come to trial.
5. The law is democratized.
6. Lawyers begin advertising their fees.
7. Defendants and witnesses are hypnotized.
8. Trials are televised for public viewing.
9. Polygraph equipment is perfected.
10. It becomes possible to travel back to the scene of the crime in a time machine to replay the event.

The Dispute Resolution Center: An Alternative Form of Justice

It has been suggested that as the court docket becomes more crowded, alternative methods be found to settle disputes. In an article in *Barrister*, Professor Frank Sander described a Dispute Resolution Center in the year 2000. People with grievances would find seven rooms:

> Screening Clerk, Mediation, Arbitration, Fact Finding, Malpractice Screening Panel, Superior Court, and Ombudsman.[44]

The author suggests that these methods could also be used in schools.

Professor Sander points out that polycentric problems are better suited to negotiation than adjudication. For example, if a testator "leaves a collection of paintings in equal parts to two museums,"[45] the representatives of both museums can get together, examine their own holdings, and work out an equitable solution for both parties. Students should identify the types of problems in schools which could be solved by negotiation. They might want to role-play administrators, students, teachers, and individuals from the community as they attempt to resolve the following situations: student requests for a lounge area, modification of a discipline code, or tension resulting from a racial incident.

> At the other extreme is the highly repetitive and routinized task of applying established principles to a large number of individual cases. Here adjudication may be appropriate, but in a form more efficient than litigation (e.g., an administrative agency).[46]

What types of cases would come under this area in schools? (Tardiness, cutting classes, smoking . . .)

The author also distinguishes between disputes arising between individuals who are "in long-term relationship — as opposed to the isolated dispute,"[47] and suggests that mediation is a better method for allowing both parties to take time to consider their problems in a fast-paced world.

What types of school disputes would fall in this category? (Students who are perpetually late with assignments, student/teacher conflicts, vandalism of homes adjoining the school)

Professor Sander indicates that screening-adjudication methods are now being used in Massachusetts for medical malpractice cases

> under which the plaintiff must first go before a three-member board made up of a doctor, lawyer, and trial judge. If the board finds that the case does not have *prima facie* merit, the plaintiff must put up a bond for the defendant's costs before he can go forward in court.[48]

In schools, it may be a case involving a complaint against a teacher for unfair treatment. Students should discuss who would serve on such a board and indicate how members would be selected.

After students clearly understand the difference between civil and criminal cases, they can explore another question raised in this article: Should a person always have a right to a trial by jury in civil cases, or should this constitutional requirement be modified?[49] Interested students could prepare a formal debate as one way of introducing the class to the issue.

A Private Court?

Carl Person (pronounced Pearson) has established a national private court as a free enterprise venture. Clients who feel that the current judicial system is inequitable because it is too time-consuming, too expensive, and too public can take their case to this private court. For a fee the two parties can mutually agree upon a judge from a list of lawyers especially qualified in the area of law involved in their case. The matter is handled quickly and confidentially. Only one appeal is permitted, and precedents are not used to decide similar cases.[50]

After the operation of the court has been explained to students, members of the class either individually or in small groups can identify the

advantages and disadvantages of such a court. If it becomes highly successful, what would be the future impact of this court on the judicial system?

The Future of Prison: Choosing a Warden

Create a role-playing situation in which a panel is making recommendations for the position of prison warden.[51] Each candidate should be prepared to answer the following questions during the interview:

1. What is the purpose of prison?
   a. prevention
   b. restraint
   c. rehabilitation
   d. deterrence
   e. education
   f. retribution
2. Do you support the death penalty for any crimes? If so, under what circumstances would you apply it?
3. What is your stand on paying prisoners the minimum wage, workmen's compensation, unemployment insurance, social security benefits?
4. Would you recognize a prisoners' union, participate in collective bargaining, and enter into a contract with the union?
5. Do you believe in expanding and updating the educational programs at the prison?
6. Are you willing to publish a list of prison rules and to inform violators in writing of rule infractions which would mean solitary confinement or suspension of privileges?
7. What rights do prisoners have (e.g., to receive uncensored mail, to have free access to recreational facilities, to use a law library)?
8. Would you permit prisoners conjugal visits?
9. Do you believe that prisoners should be given furloughs?
10. What is your position on psychosurgery? chemical therapy? behavior modification programs? other attempts to change the personality and behavior of prisoners?
11. Would you approve a proposal to permit certain types of criminals to establish a colony in space? Or would you prefer to isolate them on a hollowed-out asteroid from which incorrigible prisoners could never return?
12. In what types of alternative prison settings would you be willing to participate — work programs outside the prison?

halfway houses? social welfare programs in which prisoners try to improve the community? punishment designed to fit the crime?

13. What are the strengths and weaknesses of our present penal system? How would you change the system for the future?

Applicant A

Experience:	6 years Associate Warden Federal Penitentiary
	5 years County Sheriff
	10 years Deputy to County Sheriff
	3 years police force Carver City
Education:	High school diploma
	Graduate of Carver City Police Academy
Awards:	Heroism Award for saving five hostages in a bank robbery
Greatest Achievement:	Restoring discipline and order in a prison which had been catering to convicts
Purpose of Prison:	Retribution, Restraint, Deterrence, Prevention

Applicant B

Experience:	5 to 10 years as a prisoner in Bastionville Federal Penitentiary
	Organizer of first prison union in the United States
	Odd jobs — mechanic, dishwasher, factory worker
	Assistant Director of Halfway House
	Administrative Assistant to the Warden
Education:	High school diploma — Bastionville State Penitentiary
	Criminology degree from Area Junior College
Awards:	
Greatest Achievement:	Improving the status of prisoners in the state prison system
Purpose of Prison:	Education

Applicant C

Experience:	5 years Director of Halfway House in urban area Written and spoken widely in the field of criminology Author of *Benefits not Barriers: Prison without Bars*
Education:	High school diploma B.A. in Psychology M.A. in Criminology Ph.D. in Sociology
Awards:	Annual award for the best book in public issues series
Greatest Achievement:	Seeing halfway house residents become productive members of society
Purpose of Prison:	Rehabilitation

Applicant D

Experience:	Consultant to the State Department of Corrections Research at the Behavioral Science Laboratory, State Penitentiary
Education:	Psychiatrist Graduated from State Medical School, residency at City Hospital B.A. in Chemistry, premedical program
Awards:	Grant to conduct research on biochemical factors in arresting deviant behavior patterns
Greatest Achievement:	Establishing a drug therapy program for criminals
Purpose of Prison:	Prevention through positive conditioning and behavior modification

CONCLUSION: ALTERNATIVE FUTURES FOR THE LAW

After students have considered various new proposals and have developed alternatives for involving people in the law and futures planning, this section concludes the unit by examining the statements of leading lawyers and literary figures concerning the law and its future.

Lawyers Look at the Law

The following quotations can be used in several ways. Students can make posters which can be placed around the room, or teachers can write the quotations on an overhead transparency for classroom discussion.

Bella Abzug (former Congressperson from New York):

> The major change that I expect for women in the law now and the year 2000 is that people will no longer be surprised or consider it unusual to see a woman Justice of the Supreme Court, a woman senior partner in a large corporate law firm or a woman in a prominent position in a public interest law firm.[52]

Students should find out when the first black man was appointed to the United States Supreme Court and then determine how many years elapsed between the time when black males won the right to vote and Thurgood Marshall took the bench. Then have students project the year that they believe the first woman will be appointed to the Supreme Court, giving their reasons. In doing so, a group of students should make a bulletin board featuring women currently holding high legal and judicial posts. Another group of student may want to prepare a report on whether or not the law treats women differently from men.[53]

Lloyd Cutler (partner in Washington, D.C., law firm):

> Large law firms may be nearing the limits to growth. . . . this will create both a problem and an opportunity. The problem will be whether large law firms will be able to provide places for all the able associates who deserve partnership status on their merit alone. The opportunity will be that as a result some of the ablest young lawyers may split off from the bigger firms to start smaller ones with their own capacity for growth, thus adding to the number of

topflight alternatives in the market, and the number and variety of clients who can be competently served.[54]

Futurists have widely debated whether we should have increased growth or limited growth in the future.[55] What other areas of the law do students think a growth/no growth future might affect? What if every person became her/his own lawyer? What future changes would have to occur before this situation could become a reality? What if access to the law were limited to a select few? What type of future would be created?

Justin Stanley (President of the American Bar Association):

Our increased population, coupled with the limitations on the resources — water, fossil fuels, minerals — upon which our existing social and economic order depends, will likely place ever-increasing strains on our sytems of dispute resolution in the years ahead. While we must identify and preserve that which is essential for the fair and effective administration of justice, we must also, I think, be prepared to experiment with methods of streamlining our litigation procedures, and providing different kinds of forums for the resolution of disputes not well suited to the traditional adversary process.[56]

What image of the future does Stanley hold? In a futures class, students should be able to identify the major futurists with whom he agrees. In a government class, it should be emphasized that alternative futures exist and Stanley's viewpoint reflects only one perspective.[57]

Jerold Auerbach (author of *Unequal Justice*):

All restrictions on advertising and publication of fee schedules, except for the requirement of truth, should be dropped. A substantial portion of bar association income should be allocated to subsidize legal services for those who cannot afford them.[58]

Students should investigate ways that the law can become more responsive to all people. What image of the future is held by Auerbach? Students could prepare a debate on whether or not attorneys should advertise.

F. Lee Bailey (Boston trial lawyer):

Aspiring lawyers should understand early on that theirs is the responsibility to communicate, and to do it well. Their ability to communicate to clients, witnesses, courts, juries, and especially to each other, is vital. The most essential tool, therefore, is a command of the language.[59]

Why is good communication an essential skill for the future? Do students agree with Bailey? What other tools, such as ability to use a computer, will be necessary for lawyers in the future?

> Melvin Belli (San Francisco lawyer, author of *Belli: My Life on Trial*):
>
> I would recommend to the young law student to take just as much history and social science and biology and anatomy as he possibly can so that he will be prepared for the great demands to be made upon him in the future, i.e., so that it will be said of him, as Shakespeare's lawyer, "That man must be a lawyer, he knows so much about everything."[60]

In an information society, can a person learn everything, or must people learn how to learn? Because of biological, social, and technological changes, will there be greater or less specialization in the future? Futurist Herman Kahn warns against "educated incapacity" and points out that too much specialization can cause people not to see the total picture.[61] Why is a holistic view of the law essential for the future?

To summarize this section, teachers could ask the following questions:

1. In what ways do these people differ in their views of the future of the law?
2. What do these quotations tell us about various images of the future?
3. What role do students think these lawyers will play in shaping the future?

Literature and the Law

Literature can bring a new perspective to law-related education and future studies. In 1976 a session on law and literature was held at the annual meeting of the Modern Language Association. As a way of preparing lawyers for the future, some universities are now offering courses in humanities and the law.[62]

The following reading list on law and literature was developed by a committee consisting of Richard Weisberg, a practicing lawyer in New York and formerly Assistant Professor of French and Comparative Literature at the University of Chicago, and Richard Danzig, Associate Professor of Law at Stanford Law School:[63]

> *The Merchant of Venice*. William Shakespeare. Suggested edition, Signet Classic paperback.

The Brothers Karamazov. Fyodor Dostoyevski. Suggested edition, Vintage Russian Library paperback.

Billy Budd, Sailor. Herman Melville. Suggested edition, Hayford and Sealts, University of Chicago.

The Trial. Franz Kafka. Suggested edition, Vintage paperback.

The Stranger; The Fall. Albert Camus. Suggested edition, Vintage paperback.

The Caine Mutiny. Herman Wouk. Suggested edition, Pocket Books.

The First Circle. Aleksandr Solzhenitsyn. Suggested edition, Bantam paperback.

The Book of Daniel. E. L. Doctorow. Recommended edition, Signet Novel, paperback.

The Legal Imagination. J. B. White. Boston: Little, Brown and Co., 1973.

Teachers may wish to assign or discuss some of these works in class.

Government teachers should talk with English teachers to learn which novels, short stories, or films they may be showing which involve legal issues. For example, many English teachers assign *Billy Budd, Sailor* and/or show the film to students. The law can also be explored through such dramas as *Inherit the Wind, Twelve Angry Men*, and *To Kill a Mockingbird*. Students also enjoy producing and discussing the legal questions involved in *Barefoot in Athens* and *The Night Thoreau Spent in Jail*.[64]

To add a non-Western perspective and to help students explore the law in a global context, the following works could be read:

Akutagawa Ryunosuke. *Rashomon and Other Stories*. Translated by Kojima Takashi. Liveright, 1952. (Japanese)

Li Ju-Chen. *Flowers in the Mirror*. Translated and edited by Li Tai-zi. Berkeley: University of California Press, 1965. (Chinese)

From India there is the classic Sanskrit drama *The Little Clay Cart* which has been attributed to King Shudrika. For a more contemporary novel, by an Indian who writes in English, see: *Confessions of a Lover* by Mulk Raj Anand. Bombay: Kutub Publishers, 1976.

Many futuristics educators are already assigning science fiction novels and short stories which examine legal questions in a futures context.[65] The following can be used with this unit:

Alfred Bester. *The Demolished Man*. New York: New American Library, 1951.

Ray Bradbury. *Fahrenheit 451*. New York: Ballantine Books, 1976.

Anthony Burgess. *Clockwork Orange*. New York: W. W. Norton, 1963.

Michael Crichton. *The Terminal Man*. New York: Bantam Books, 1972.

George Orwell. 1984. New York: New American Library, 1949.

The following questions will help students think about the past, present, and future of law both in our own and other cultures through literature:

1. What is the view of the law in this story?
2. How does this view reflect the time and/or country in which the story was written?
3. What type of legal system is described in this book?
4. Are the legal questions raised by the author of importance to us today, and will they continue to be issues in the future?
5. What conflicting views of the law are found in this book?
6. In what ways was the law futures or crisis responsive?

Ask Your Attorney

After learning how to conduct a delphi study, [66] students may want to apply this futures forecasting method to the future of the law. Since a delphi study is one method of polling experts, students should consult members of their local bar association or the faculty and students of a nearby law school to see if they would be willing to participate. This is one way to culminate the unit and to involve students with the local community.

> The law of our time is pulsing with life. It is not a dead fossil passing down to us from our forbears. It is a living inheritance, and it is as a living inheritance we must hand it down to those who are to come. — C. G. Weeramantry[67]

References

[1] For further information, see I. *Background Reading for Law-Related Education*, p. 54.

[2] For further information, see II. *Background Reading for Futuristics Education*, p. 55.

[3] U.S., Congress, House, *Congressional Record*, 93d Cong., 2d sess., 1974, 120, 33325. Clerk. Reading of Amendment to Rule X of the Standing Rules of the House of Representatives. H.R. 988, October 1, 1974.

[4] Ren Renfro, "How Congress Is Exploring the Future," *The Futurist* 12, no. 2 (April 1978): 106.

[5] U.S., Congress, House, *Congressional Record*, 95th Cong., 1st sess., 1977, 189, E7167–68. Representative Charles Rose III speaking on the activities of the Congressional Clearinghouse on the Future, November 30, 1977.

[6] Sally Woodhull Cornish and Bryan Schmalz, "Futurists Testify Before U.S. Congress," *The Futurist* 7, no. 5 (October 1973): 228–30.

[7] Alvin Toffler, "What Is Anticipatory Democracy," *The Futurist* 9, no. 5 (October 1975): 224.

[8] Edward Cornish, ed., *An Introduction to the Study of the Future*, a report prepared by the World Future Society under a grant from the National Science Foundation and the Library of Congress, Congressional Research Service (Washington, D.C.: World Future Society, 1977); p. 348.

[9] Congressional Clearinghouse on the Future, *What's Next?* no. 6 (October 1976), p. 5.

[10] David Baker, "The States Experiment with 'Anticipatory Democracy,'" *The Futurist* 10, no. 5 (October 1976): 262–71.

[11] Clement Bezold, Director, "Goals and Activities of the Institute for Alternative Futures" (Washington, D.C.: Institute for Alternative Futures, 1977), p. 1.

[12] C. G. Weeramantry, LL.D., *The Law in Crisis: Bridges of Understanding* (London: Capemoss, 1975), pp. 249–50.

[13] David T. Naylor, "Law Studies in the Schools: A Compendium of Instructional Strategies," *Social Education* 41, no. 3 (March 1977): 173.

[14] Jerry Glenn and Cyndy Guy, "Easy Ways to Help Children Think About the Future," *The Futurist* 8, no. 4 (August 1974): 186–87.

[15] Betty Barclay Franks and Mary Kay Howard, "Living as a Futurist," unpublished manuscript, 1977.

[16] Mary Kay Howard and Betty Barclay Franks, *The Biological Revolution: Examining Values Through the Futures Perspective* (Washington, D.C.: National Education Association, 1976), pp. 15–16.

[17] Robert H. Ratcliffe, ed., *Vital Issues of the Constitution* (Boston: Houghton Mifflin Co., 1971), p. 75.

[18] David Rorvik, *In His Image: The Cloning of a Man* (Philadelphia: Lippincott, 1978).

[19] This topic can be explored through science fiction by having a student report on *Joshua: Son of None* by Nancy Freedman (New York: Delacorte Press, 1973).

[20] The summaries of *People* v. *Sorensen* and *Adoption of Anonymous* were prepared by Marjorie Kornhauser, Staff of Street Law Program, Cleveland Marshall College of Law, Cleveland State University, for the Futuristics class at Maple Heights High School (Fall 1977) under a grant from the Martha Holden Jennings Foundation, Betty Barclay Franks, director of the grant.

[21] *People* v. *Sorensen*, 66 Cal. Rptr. 7 (1968).

[22] *Adoption of Anonymous*, 345 N.Y.S. 2d 430 (1973).

[23] Robert A. Heinlein, *I Will Fear No Evil* (New York: Berkley Medallion Edition published by G. P. Putnam's Sons, 1971), Chapters 7, 8, 13, and 21. (Teachers should read this novel and exercise their own discretion before assigning it to students.)

[24] *Ibid.*, p. 21.

[25] *Ibid.*, p. 347.

[26] This section of the Ohio Revised Code was prepared for students by Marjorie Kornhauser, Staff of Street Law Program, Cleveland Marshall College of Law, Cleveland State University, for the Futuristics class at Maple Heights High School (Fall 1977) under a grant from the Martha Holden Jennings Foundation, Betty Barclay Franks, director of the grant.

[27] *Strunk* v. *Strunk* was summarized by Marjorie Kornhauser, Staff of Street Law Program, Cleveland Marshall College of Law, Cleveland State University, for the Futuristics class at Maple Heights High School (Fall 1977) through a grant from the Martha Holden Jennings Foundation, Betty Barclay Franks, director of the grant.

[28] *Strunk* v. *Strunk*, Ky., 445 S.W. 2d 145 (1969).

[29] Weeramantry, *The Law in Crisis*, p. 247.

[30] *Ibid.*, p. 235.

[31] Richard E. Farson, "The Bill of Rights for 1984," in *Worlds in the Making: Probes for Students of the Future*, ed. Maryjane Dunstan and Patricia Garlan (Englewood Cliffs, N.J.: Prentice-Hall, 1970), pp. 361–67.

[32] James A. Dator, "Alternative Futures and the Futures of Law" (Paper prepared for the Institute for Alternative Futures, Antioch School of Law, Washington, D.C., June 1977), p. 5.

[33] Martin V. Jones, "The Methodology of Technology Assessment," *The Futurist* 6, no. 1 (February 1972): 26. (Selected impacts of the automobile — 1895 to present.)

[34] For background reading in this area, see Clement Bezold, "Citizen Participation in Congressional Foresight," *The Futurist* 12, no. 2 (April 1978): 117–21; and Alvin Toffler, *Future Shock* (New York: Bantam Books, 1971), pp. 470–87.

[35] For background reading in this area, see Edward Cornish, ed., *The Study of the Future* (Washington, D.C.: World Future Society, 1977), Chapter 8, "Methods for Studying the Future," pp. 103–26; and Draper Kauffman, Jr., *Teaching the Future* (Palm Springs, Calif.: ETC Publications, 1976), Part Two, "Concepts and Methods," pp. 49–171.

[36] James Q. Wilson, "Violence," in *Toward the Year 2000: Work in Progress*, ed. Daniel Bell (Boston: Beacon Press, 1970), p. 279.

[37] Terry Cooper, "A Blue Future: Police Values and Police Power During the Next Three Decades," in *The Next 25 Years: Crisis and Opportunity*, ed. Andrew A. Spekke (Washington, D.C.: World Future Society, 1975), pp. 249–59.

[38] Frederick Ausubel, Jon Beckwith, and Karen Janssen, "The Politics of Genetic Engineering: Who Decides Who's Defective," *Psychology Today*, June 1974, p. 38.

[39] George Leonard, *The Transformation: A Guide to the Inevitable Changes in Humankind* (New York: Delacorte Press, 1972), pp. 176–86.

[40] For descriptions of the conduct of a mock trial, see Ronald A. Gerlach and Lynne W. Lamprecht, *Teaching about the Law* (Cincinnati: W. H. Anderson Co., 1975), pp. 235–47; Lee Arbetman and Ed O'Brien, "From Classroom to Courtroom: The Mock Trial," *Update on Law-Related Education* (Chicago: American Bar Association, Winter 1978), pp. 13–15, 47–48; and/or Robert Ratcliffe, ed., *Vital Issues of the Constitution* (Boston: Houghton Mifflin Co., 1975), pp. 132–37.

[41] Weeramantry, *The Law in Crisis*, p. 247.

[42] Vance Packard, *Hidden Persuaders* (New York: Pocket Books, 1967), p. 37.

[43] For debriefing suggestions, consult Gerlach and Lamprecht, *Teaching about the Law*, pp. 245–47.

[44] Frank E. A. Sander, "The Multi-Door Courthouse: Settling Disputes in the Year 2000," *Barrister*, Summer 1976, p. 20.

[45] *Ibid.*, p. 21.

[46] *Ibid.*

[47] *Ibid.*

[48] *Ibid.*, p. 41.

[49] *Ibid.*

[50] For a full description of the operation of the National Private Court, see Carl E. Person, "Justice, Inc.: A Proposal for a Profit-Making Court," *Juris Doctor*, March 1978, pp. 32–41.

[51] The possible futures envisioned by this activity are based upon the findings of an inquiry on criminal justice conducted jointly by the Center for the Study of Democratic Institutions and the Center for Studies in Criminal Justice at the University of Chicago reported in *Footnotes to the Future*, October 1974, p. 2.

[52] *Juris Doctor*, October 1976, p. 40.

[53] For further information in this area, see Pauline B. Bart, "Why Women See the Future Differently from Men," pp. 33–55; and Alvin Poussaint, "The Black Child's Image of

the Future," pp. 56–71 in *Learning for Tomorrow: The Role of the Future in Education*, ed. Alvin Toffler (New York: Vintage Books, 1974). Also see L. Kanowitz, *Sex Roles in Law and Society: Cases and Materials* (Albuquerque, N.M.: University of New Mexico Press, 1969); and Karen De Crow, *Sexist Justice* (New York: Random House, 1974).

[54] *Juris Doctor*, October 1976, p. 41.

[55] Marilyn Clayton Felt, Project Director, and Anne Glickman, editor, *Growth Implications and the Earth's Future: A Study of Curriculum Materials and Student Views* (Newton, Mass.: Education Development Center, 1977).

[56] *Juris Doctor*, October 1976, p. 42.

[57] For background reading on the major futurists and their views of the future, see Alvin Toffler, ed., *The Futurists* (New York: Random House, 1972).

[58] *Juris Doctor*, October 1976, p. 44.

[59] *Ibid.*, p. 41.

[60] *Ibid.*, p. 44.

[61] "Herman Kahn: The Unthinkable Optimist," *The Futurist*, 9, no. 6 (December 1975): 286.

[62] "Doctor, Lawyer, Humanist," *Humanities* 7, no. 3 (April 1977): 4. Also see Charles White, "Have You Considered Humanities Funding?" *Update on Law-Related Education*, Winter 1978, pp. 35–36.

[63] Richard Weisberg and Richard Danzig, "Reading List on Law and Literature," *Humanities* 7, no. 3 (April 1977): 6–7.

[64] Maxwell Anderson, *Barefoot in Athens* (New York: William Sloane Associates, 1951); Jerome Lawrence and Robert E. Lee, *The Night Thoreau Spent in Jail* (New York: Bantam Books, 1972).

[65] For further information, see B. Lee Cooper, *A Science Fiction Perspective on Contemporary Issues*, Occasional Paper Series, Ohio Council for the Social Studies, ed. John J. Chiodo, 1978, p. 11. Also see B. Lee Cooper, "Beyond Flash Gordon and 'Star Wars': Science Fiction and History Instruction," *Social Education* 42, no. 5 (May 1978): 396.

[66] Joseph P. Martino, "Survey of Forecasting Methods — Part II," World Future Society *Bulletin* 11, no. 1 (January–February 1977): 27.

[67] Weeramantry, *Law in Crisis*, p. 250.

Recommended Reading

The books and periodicals listed here will be particularly helpful to futuristics educators who want to learn more about law-related education.

I. Background Reading for Law-Related Education

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_____. *Media: An Annotated Catalogue of Law-Related Audio-Visual Materials*. Working Notes Series, ABA Special Committee on Youth Education for Citizenship. Chicago: American Bar Association, 1975.

_____. *Gaming: An Annotated Catalogue of Law-Related Games and Simulations*. Working Notes Series, ABA Special Committee on Youth Education for Citizenship. Chicago: American Bar Association, 1975.

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For a subscription to *Update*, write to the American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637. The three issues published each year will be an invaluable source of current legal information as well as teaching strategies.

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II. Background Reading for Futuristics Education

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"The Future." *Media and Methods* 2, no. 3 (November 1974).

"Educators Futurize Their Courses." *The Futurist* 7, no. 4 (August 1974).

For a subscription to *The Futurist*, write to the World Future Society, P.O. Box 30369, Bethesda Branch, Washington, D.C. 20014. This publication is extremely useful to futuristics educators.

For a subscription to *What's Next?* write to the Congressional Clearinghouse on the Future, 3692 House Annex #2, Washington, D.C. 20515.

III. The Future of Law

The following articles were among those recommended by James Dator, Professor of Political Science, University of Hawaii, in a bibliography prepared for the Institute for Alternative Futures, Antioch School of Law:

Cahn, Edgar, and Cahn, Jean Camper. "Speculations on the Future of the Rule of Law." In *Learning and the Law*, in press.

Coates, Joseph. "The Future of Crime in the United States from Now to the Year 2000." *Policy Sciences* 3 (1972): 27–45.

Dator, James. "Tomorrow: The Vision. Hawaii Futurist Sees New Alternatives for the Law." In *Annual Report* (July 1, 1975 to June 30, 1976) Judiciary, State of Hawaii.

Kahn, Herman. "Herman Kahn Looks Ahead." *Juris Doctor*, October 1976, pp. 32–36.

Sander, Frank E. A. "The Multi-Door Courthouse: Settling Disputes in the Year 2000." *Barrister*, Summer 1976, pp. 17–21, 40–42.

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"Law in the Future: What are the Choices?" *California State Bar Journal* 51, no. 4 (July 1976, supplement), including: Laura Nader and Linda Singer, "Dispute Resolution"; Roland E. Brandel and Philip Murphy, "Lawyering Process"; Jane Frank and Michael Traynor, "Public Responsibilities"; William Enright and Charles Quigley, "Public Awareness."

"The Law and Futurism." *Law in American Society* 5, no. 4 (December 1976), including: Laurin A. Wollann, Jr., "Policy-Making in the Future of American Law"; Ronald A. May, "American Law in an Age of Sophisticated Technology"; Elinor Porter Swiger, "Law Studies for Today and Tomorrow"; Diana Beer, "Futurists and Law-Focused Education."

In recent years two emerging concerns in classrooms have been Law-Related Education and Future Studies. In many ways, they share a common approach. Teachers in both areas recognize the need to involve students in the learning process and to give them the skills, knowledge, and attitudes necessary to examine alternatives and make decisions throughout their lives. This, of course, means that students must look at their own values in relation to the society in which they are living and will continue to live in the future.

People, Law, and the Futures Perspective provides an interdisciplinary unit which will be useful to educators at most grade levels. It gives specific activities, sources, and a structure which can serve as either the entire framework or to which teachers can add individual areas of interest and their own creativity. The publication itself is futures oriented in its nonsexist, nonracist, global, and holistic approach.

This publication in NEA's *Analysis and Action* series is organized around the following five topics:

1. Change: the concept of change and how it affects the law
2. Rights: the changes in our concept of rights, and new challenges from the future
3. Law: futures responsive versus crisis responsive
4. Crime: the impact of technology on crime, past and future
5. Justice: the student's role in the future criminal justice system.

Betty Barclay Franks is Social Studies Department Chairperson, Maple Heights High School, Ohio. Mary Kay Howard is Professor of History, John Carroll University, Cleveland, Ohio. They are also the co-authors of another NEA publication, *The Biological Revolution: Examining Values Through the Futures Perspective*.

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